Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-1335

VILLAGE OF SCHAUMBURG,

Petitioner,

vs.

CITIZENS FOR A BETTER ENVIRONMENT, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

OBJECTIONS TO MOTION OF THE COALITION OF NATIONAL VOLUNTARY ORGANIZATIONS, THE AMERICAN HEART ASSOCIATION, AMERICAN RED CROSS, ASSOCIATION OF GOVERNING BOARDS OF UNIVERSITIES AND COLLEGES, COUNCIL FOR FINANCIAL AID TO EDUCATION, GIRL SCOUTS OF THE USA, ET AL., TO FILE BRIEF AMICUS CURIAE.

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Now Comes the Village of Schaumburg, petitioner herein, by Jack M. Siegel, its attorney, and pursuant to Rule 42(3) of the United States Supreme Court, objects to motion for leave to file *amicus curiae* brief on behalf of the coalition of National Voluntary Organizations, and the following members individually: American Heart Association; American Red Cross; Association of Governing Boards of Universities and Colleges; Council for Financial Aid to Education; Girl Scouts of the USA; et al. In support of said objections, petitioner says as follows:

1. That the motion fails to concisely state the nature of the applicants' interest, but instead merely contains general statements as to the nature of the activities of the applicants and fails to set forth any justiciable interest in the subject matter of this cause or the issues raised. That as set forth in the motion certain of the organizations on their face would not qualify for permits under the Schaumburg ordinances under sections the validity of which is not challenged in this proceeding.

2. That said motion as indicated by the brief which is sought to be filed would substantially broaden the issues herein by attempting to challenge the provisions of the ordinance requiring proof of exempt status under Section 501(c)(3) of the Internal Revenue Code. That said issue is not part of the proceedings herein and the filing of the *amicus curiae* brief would broaden the issues in this cause well beyond those considered by the trial court and the Court of Appeals.

3. That said motion fails to set forth facts or questions of law that have not been presented by the parties within the framework of this case in the trial court and the Court of Appeals. Said motion further fails to set forth facts showing wherein the existing parties will not adequately represent the issues properly raised below. That, in fact, the Respondents have heretofore filed briefs in the Court of Appeals which fully raise all issues within the scope of the cause as heard in the trial court and may be expected to do the same in this court.

4. That none of the applicants herein sought to intervene in the trial below in the District Court for the Northern District of Illinois or in the proceedings before the Court of Appeals for the Seventh Circuit. That the general allegations of the motion are insufficient to show the necessity of the applicants' filing a brief as *amicus curiae* in order to fully advise and inform the court as to the issues in this cause.

5. That said motion and the brief which is sought to be filed rely on facts and issues not raised in the cause below or found in the record in this case.

6. That the petitioner herein has heretofore withheld permission for the filing of said brief for the reason that the necessity of answering the brief as *amicus curiae* would impose unreasonable and unnecessary burden upon the petitioner without any additional aid to this Court.

7. That the applicants herein have attempted to file a brief in support of their motion without the written consent of all parties to the case in violation of Rule 42(2) of the Supreme Court of the United States.

WHEREFORE, the petitioner respectfully objects to the filing of said brief as *amicus curiae* and respectfully requests that said motion be denied.

Respectfully submitted,

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